



NATIVE DISPUTE RESOLUTION NETWORK

MISSION AND PURPOSE

The mission of the Native Dispute Resolution Network is to create a centralized, broadly accessible, and valued referral system of dispute resolution practitioners with the knowledge and experience needed to assist parties involved in environmental, natural resources, or public/trust lands issues where American Indians, Alaska Natives, Native Hawaiians, and federal agencies are primary parties.

The primary objectives of the Network include:

- Encourage the use of a wide variety of alternative dispute resolution and agreement seeking processes when appropriate in matters involving American Indians, Alaska Natives, Native Hawaiians, and federal agencies or interests.
- Broaden the diversity of the field of alternative dispute resolution by establishing a network and information exchange for American Indian, Alaska Native, Hawaiian Native, and other practitioners who work with Native peoples.
- Share skills and expertise among Native and non-Native conflict resolution practitioners.
- Improve the ability of all parties to engage effectively in alternative dispute resolution processes.

APPROACH

To fulfill these objectives, the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute) sought the individual input and assistance of its coordination team members, as well as input from tribes, federal agencies, practitioners, and organizations. The approach and other information provided in this information booklet are the product of this effort. In the following pages you will find Frequently Asked Questions (FAQs) that further expand on the approach and operation of the Network, a glossary of useful terms, and information on how to be included in the Network.

The development of the Network has been and will continue to be an incremental process in order to integrate feedback and comments. The first step in this process is to identify an initial group of practitioners with the knowledge and experience needed to assist parties involved in environmental, natural resources, or public/trust lands issues where American Indians, Alaska Natives, Native Hawaiians, and federal agency staff are primary parties. As the number of dispute resolution practitioners included in the Network grows, practitioners will be encouraged to share skills and expertise through partnering and training.

INSIDE ...

Becoming a Network Member	4
FAQs	8
Useful Terms	14

COORDINATION TEAM MEMBERS

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Ft. McDowell-Yavapi Tribal Court

Stanley Webster
Oneida Appeals Commission

Charles Wilkinson, Moses Lasky
Professor of Law
University of Colorado

Robert Yazzie, Retired Chief Justice,
Navajo Nation

The initial focus of the Network is to identify American Indian, Alaska Native, Native Hawaiian, and other dispute resolution practitioners who work with tribes and federal agencies in the resolution of disputes pertaining to environmental, natural resources, or public/trust lands issues. Future efforts could include the identification of dispute resolution practitioners who resolve conflicts between and/or within tribes, and may extend beyond environmental, natural resources, and public/trust lands issues. The initiation of subsequent efforts is contingent upon sufficient development of the first and current effort, the expressed need and interest by tribes and Native American organizations, and the identification and commitment of such entities to take the lead in subsequent efforts.

CURRENT STATUS AND RECRUITMENT

The first step in identifying practitioners for inclusion in the Network is an initial recruitment process, which closes **June 18, 2004**. The experience and knowledge necessary to be included in the Network can be found in *Becoming a Network Member* on page 4. These elements are being used in the initial recruitment process to determine if a sufficient number of appropriate practitioners can be identified. After this initial recruitment period, the U.S. Institute will evaluate whether the elements should be modified to identify additional practitioners.

BACKGROUND

The U.S. Institute initiated the development of the Network in response to comments from a wide audience about the need for a mechanism to identify American Indian, Alaska Native, and Native Hawaiian dispute resolution practitioners who can assist in environmental conflict resolution (ECR) processes involving Native American tribes and issues. The development of the Network is underwritten in part by the William and Flora Hewlett Foundation.

The direct involvement of American Indian, Alaska Native, and Native Hawaiian practitioners, government, and court representatives has been, and continues to be, essential to the successful development of the Network. In developing the Network, the U.S. Institute sought input from individuals and organizations that provide and use ECR services. The U.S. Institute worked with a coordination team of seventeen people, whose collective expertise constitutes the following:

- Dispute resolution experience with emphasis on environmental, natural resources, and public/trust lands issues.
- Natural resources management and policy experience.
- Experience working with tribes and Native peoples.
- Being a member of a Native American organization, government, or court, a Native American focused academic program, or an employee of federal tribal projects or programs.
- Experience working with federal agencies.

The coordination team members also provided individual input to the U.S. Institute for use in developing the elements, as well as the framework and strategy for identifying practitioners to be included in the Network.

ABOUT THE U.S. INSTITUTE

The U.S. Institute for Environmental Conflict Resolution is a federal program established by the U.S. Congress to assist parties in resolving environmental, natural resource, and public/trust lands conflicts. The U.S. Institute is part of the Morris K. Udall Foundation, an independent federal agency of the executive branch overseen by a board of trustees appointed by the President. The U.S. Institute serves as an impartial, non-partisan institution providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance. The U.S. Institute helps parties determine whether collaborative problem solving is appropriate for specific environmental conflicts, how and when to bring all the parties to the table, and whether a third-party facilitator or mediator might be helpful in assisting the parties in their efforts to reach consensus or to resolve a conflict. In addition, the U.S. Institute maintains a roster of qualified facilitators and mediators with substantial experience in ECR and can assist parties in selecting an appropriate neutral. (See www.ecr.gov for more information about the U.S. Institute.)

Your feedback about the Network is important to the U.S. Institute as we continue to develop this resource. The U.S. Institute welcomes your input. Please direct your comments to:

Sarah Palmer, Senior Program Manager
U.S. Institute for Environmental Conflict Resolution
130 South Scott Avenue
Tucson, AZ 85701
Phone: 520.670.5655
E-mail: palmer@ecr.gov

Joan Calcagno, Roster Manager
U.S. Institute for Environmental Conflict Resolution
130 South Scott Avenue
Tucson, AZ 85701
Phone: 520.670.5299, ext.19
E-mail: nativenetwork@ecr.gov

BECOMING A NETWORK MEMBER

In order to be considered in this initial recruitment process, all of your materials must be submitted to the U.S. Institute **as soon as possible and no later than June 18, 2004.**

Note: As part of the referral process, all of the materials you submit will be provided to those seeking referrals or partners from the Network. Please be sure to include your contact information in the materials you send.

Inclusion in the Network as a dispute resolution provider: Individuals must meet both Element 1 and Element 2 stated in the left-hand column of the table below in order to be included in the Network as a dispute resolution provider. Knowledge and experience must be demonstrated by providing the information identified in the center column.

Inclusion in the Network as potential partner/team member: We encourage individuals who meet only Elements 1 *or* 2, *and* Element 3, to provide their information for potential training and dispute resolution partnering opportunities as they arise and are appropriate. Knowledge and experience must be demonstrated by providing the information identified in the center column.

Elements 1 and 2 Required for Being Included in the Network as a Dispute Resolution Provider	What Information to Provide	How to Provide Information
Element 1 —Demonstrated knowledge/experience (in any role or capacity) with issues pertaining to the environment, natural resources, or public/trust lands.	1. A description of “demonstrated knowledge/experience.” For example: <ul style="list-style-type: none"> • Employment with an environmental or natural resources office or department • Formal education: degrees or training • Other environmental, natural resources, or public/trust lands life or work experience • Participation as a member of a party/group involved in environmental, natural resources, or public/trust lands issues • Recognition within the community as a person with wisdom about the earth or a steward of resources • An understanding of technical issues and the language of technical experts related to environmental, natural resources, or public/trust lands <p style="text-align: center;">AND</p> 2. A reference from one person.*	1. A letter or resume <p style="text-align: center;">AND</p> 2. Name and contact information (phone, e-mail, regular mail address) of reference.*

* References for Elements 1 and 3, and individuals who provide the verification for Element 2, may be the same or different individuals as appropriate.

AND

Elements 1 and 2 Required for Being Included in the Network as a Dispute Resolution Provider	What Information to Provide	How to Provide Information
<p>Element 2—Experience resolving[‡] disputes or conflicts where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian, using:</p> <ul style="list-style-type: none"> a. “Western” alternative dispute resolution methods, e.g., mediation, facilitation, and consensus building, and/or b. Traditional dispute resolution methods (e.g., peacemaking, talking circles, Ho’oponopono, etc.). <p><i>Note: Please refer to the list of Useful Terms on page 14 for additional information about the types of processes encompassed in the Network.</i></p>	<p>1. Description of relevant case(s), issue(s), dispute(s), situation(s), or other experience, and your role.</p> <p style="text-align: center;">AND</p> <p>2. Verification of experience by a tribal leader (such as a tribal court official, elder, chairperson, member of the business council, or equivalent), by a Native American or tribal organization, or by a person involved in a process where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian.</p>	<p>1. Paragraph-length descriptions of up to five (5) specific cases, issues, disputes, situations, or other experience where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian. Please also include your role. You may also provide a summary or general description of additional experience.</p> <p><i>Optional supplemental materials:</i> Experience may also be supported by copies of signed agreements and work products where such documents are available and can be provided in keeping with any confidentiality agreements.</p> <p style="text-align: center;">AND</p> <p>2. The verification of experience should be a written letter. Please contact the U.S. Institute if circumstances require a verbal verification.</p>

(continued)

[‡] Experience as a representative of, or advocate for, a party or point of view does not satisfy this element.

Element 3 (optional)	What Information to Provide	How to Provide Information
<p>Element 3—Extensive work in Indian Country.</p> <p><i>Note: If you have this experience and Element 1 <u>or</u> 2 above (but not Elements 1 <u>and</u> 2) you can be included in the Network for appropriate training and partnering opportunities as they arise.</i></p>	<p>1. Description of work with tribal governments, Native American, Alaska Native, or Native Hawaiian organizations, or tribal or local community development efforts (other than work related to environmental, natural resources, or public/trust lands).</p> <p>AND</p> <p>2. A reference from one person.*</p>	<p>1. Letter or resume describing the nature of your work.</p> <p>AND</p> <p>2. Name and contact information (phone, e-mail, regular mail address) of your reference.*</p>

* References for Elements 1 and 3, and individuals who provide the verification for Element 2, may be the same or different individuals as appropriate.

Additional optional information. If you wish, you may also provide the following optional information:

- Tribal affiliation
- Fees for your services
- Languages spoken

REVIEW AND SELECTION PROCESS FOR INCLUSION IN THE NETWORK

U.S. Institute staff (Joan Calcagno and/or Sarah Palmer) will review all of the information you provide to determine if the knowledge/experience you describe matches the elements for inclusion in the Network. Staff will also review information to ensure that the requested reference(s) and verification are included. As warranted, staff may also contact you and your references to verify and/or seek clarification about information submitted.

NETWORK MEMBER RESPONSIBILITIES/CONDITIONS FOR INCLUSION

Members of the Network using traditional dispute resolution methods are expected to be familiar with such methods and use them appropriately. Members using dispute resolution such as facilitation, mediation, and consensus building are expected to be familiar with and follow the *Model Standards of Conduct for Mediators* approved by the American Arbitration Association, the American Bar Association, and the Society for Professionals in Dispute Resolution (now the Association for Conflict Resolution). In addition, dispute resolution practitioners are expected to be familiar with and utilize the *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes*. These documents can be found at:

<http://work.acresolution.org/research.nsf/articles/570815BC198044C485256D87005F94FA>

<http://work.acresolution.org/research.nsf/key/EPPbestpractices>

Please direct any questions and submit materials (hardcopy or electronic) **as soon as possible and no later than June 18, 2004, to:**

Joan Calcagno, Roster Manager
U.S. Institute for Environmental Conflict Resolution
130 South Scott Avenue
Tucson, AZ 85701
Phone: 520.670.5299, ext.19
E-mail: nativenetwork@ecr.gov



PLEASE RETURN THE FOLLOWING WITH YOUR MATERIALS

If you are not included in the Network:

How would you like your information handled? Destroyed ☐ Returned ☐

May we keep your contact information on file to send periodic updates about the Network and other U.S. Institute activities? Yes ☐ No ☐

FREQUENTLY ASKED QUESTIONS

GENERAL QUESTIONS ABOUT THE NETWORK

1. What is the purpose of the Network?
2. Why does the Network focus just on environmental, natural resources, and public/trust lands issues and not other types of disputes? Will the focus be broader in the future?
3. Are cultural property and sacred sites considered in the scope of environmental issues for the Network?
4. Who is included in the Network? Are all members of the Network American Indian, Alaska Native, or Native Hawaiian?
5. What is the current status of the Network?
6. How will the Network operate? How do I get a referral from the Network?
7. Is there a fee to use or be included in the Network?
8. How was the Network developed?

QUESTIONS OF INTEREST TO DISPUTE RESOLUTION PRACTITIONERS

1. Why would I want to be included in the Network?
2. How do I qualify for the Network?
3. What is the deadline for submitting my materials, where do I send them, and to whom should I direct questions about submitting my materials?
4. What is the review and selection process for inclusion in the Network?
5. How will the information I provide be used?
6. Does being included in the Network guarantee that I will receive conflict resolution work?
7. Can I work as a neutral in environmental disputes involving federal agencies if I am not included in the Network?
8. What are the responsibilities of Network members and conditions for inclusion?
9. Will the performance of a Network practitioner be evaluated?
10. I am currently a member of the Roster of ECR Practitioners operated by the U.S. Institute. May I also be included in the Network?
11. Do I need to be a member of the Roster of ECR Practitioners in order to be included in the Network?
12. I am looking for someone to partner with on an issue involving a tribe. Can the Network be used to identify partners or team members?

GENERAL QUESTIONS ABOUT THE NETWORK

1. What is the purpose of the Network?

The mission of the Network is to create a centralized, broadly accessible, and valued referral system of dispute resolution practitioners with the knowledge and experience needed to assist parties involved in environmental, natural resources, or public/trust lands issues where American Indians, Alaska Natives, Native Hawaiians, and federal agencies are primary parties.

The primary objectives of the Network include:

- Encourage the use of a wide variety of alternative dispute resolution and agreement-seeking processes when appropriate in matters involving American Indians, Alaska Natives, Native Hawaiians, and federal agencies or interests.
- Broaden the diversity of the field of alternative dispute resolution by establishing a network and information exchange for American Indian, Alaska Native, Hawaiian Native, and other practitioners who work with Native peoples.
- Share skills and expertise among Native and non-Native conflict resolution practitioners.
- Improve the ability of all parties to engage effectively in alternative dispute resolution processes.

2. Why does the Network focus just on environmental, natural resources, and public/trust lands issues and not other types of disputes? Will the focus be broader in the future?

Since the U.S. Institute is providing the staff time and resources to establish and operate the Network, current efforts must be consistent with the U.S. Institute's mission to address environmental, natural resources, and public/trust lands issues where a federal agency or interest is involved. Contingent on funding and future partnerships, it is the U.S. Institute's hope that the focus of the Network will be broader in the future. To that end, the U.S. Institute has developed a two-phase approach to establishing the Network. Phase one, in which the U.S. Institute is the primary lead, will focus on identifying American Indian, Alaska Native, Native Hawaiian, and other dispute resolution practitioners who work with tribes and federal agencies in the resolution of disputes pertaining to environmental, natural resources, or public/trust lands issues. Phase two of the Network could involve the identification of dispute resolution practitioners who resolve conflicts between and/or within tribes and may extend beyond environmental, natural resources, and public/trust lands issues. The initiation of phase two is contingent upon: sufficient development of phase one, an expressed need and interest by tribes and Native American organizations, and the identification and commitment of such entities to take the lead in phase two.

3. Are cultural property and sacred sites considered in the scope of environmental issues for the Network?

Historic and cultural property, as well as sacred sites, to the extent they involve the environmental, natural resources, or public/trust lands, are relevant to the Network. Experience in these issues can be used to meet the elements for inclusion in the Network.

4. Who is included in the Network? Are all members of the Network American Indian, Alaska Native, or Native Hawaiian?

Individuals who have practiced as dispute resolution providers using either traditional or western processes, or a combination thereof, and who have experience with and knowledge of natural resources, environmental, or public/trust land issues will be included in the Network. The specific qualifications and what information should be provided can be found in *Becoming a Network Member* on page 4. Individuals may be American Indian, Alaska Native, Native Hawaiian, or of other backgrounds.

5. What is the current status of the Network?

The first step in identifying practitioners for inclusion in the Network is an initial recruitment process, which closes on **June 18, 2004**. The experience and knowledge necessary to be included in the Network can be found in *Becoming a Network Member* on page 4. These elements are being used in the initial recruitment process to determine if a sufficient number of appropriate practitioners can be identified. After this initial recruitment period, the U.S. Institute will evaluate if the elements should be modified to identify additional practitioners.

6. How will the Network operate? How do I get a referral from the Network?

Once the Network is operational (expected for Fall 2004), simply call the U.S. Institute's Network Administrator Joan Calcagno at 520.670.5299 or e-mail nativenetwork@ecr.gov for a referral. The U.S. Institute will work with the referral requestor(s) to identify the types of skills and knowledge sought in a practitioner, or team of practitioners, and use that information to identify a group of Network members for the parties to consider. The search and referral can be supplemented from the Roster of ECR Practitioners, also operated by the U.S. Institute, as meets the needs of the parties in locating appropriate practitioners. The U.S. Institute can also provide assistance and guidance on selecting an appropriate neutral. The decision as to whom to retain as a dispute resolver lies with the process participants/parties to an issue or dispute. Once the Network is in operation, additional information about how the search and referral process works will be disseminated.

7. Is there a fee to use or be included in the Network?

No. There is no fee to use or be included in the Network.

8. How was the Network developed?

The U.S. Institute initiated the development of the Network in response to comments from a wide audience about the need for a mechanism to identify American Indian, Alaska Native, and Native Hawaiian dispute resolution practitioners who can assist in ECR processes involving Native American tribes and issues. The development of the Network is underwritten in part by the William and Flora Hewlett Foundation.

The direct involvement of American Indian, Alaska Native, and Native Hawaiian practitioners, government, and court representatives has been, and continues to be, essential to the successful development of the Network. In developing the Network, the U.S. Institute sought input from individuals and organizations that provide and use ECR services. The U.S. Institute worked with a coordination team of seventeen people, whose collective expertise and experience constitute the following:

- Dispute resolution experience with emphasis on environmental, natural resources, and public/trust lands issues.
- Natural resource management and policy experience.
- Experience working with tribes and Native peoples.
- Being a member of a Native American organization, government, or court, a Native American focused academic program, or an employee of federal tribal projects or programs.
- Experience working with federal agencies.

The coordination team members also provided individual input to the U.S. Institute for use in developing the elements as well as framework and strategy for identifying practitioners to be included in the Network.

QUESTIONS OF INTEREST TO DISPUTE RESOLUTION PRACTITIONERS

1. Why would I want to be included in the Network?

As part of the Network's referral service, your information will be provided to those seeking the assistance of a dispute resolution practitioner when your experience and knowledge meet the needs of those seeking assistance. Inclusion in the Network may also provide opportunities for training exchanges, networking, and partnering with members of the Roster of ECR Practitioners and other members of the Network.

2. How do I qualify for the Network?

Individuals interested in being included in the Network should refer to the table in *Becoming a Network Member* on page 4 to learn what information must be provided.

Individuals who meet the following elements may be included in the Network:

- 1) Demonstrated knowledge/experience (in any role or capacity) with issues pertaining to the environment, natural resources, or public/trust lands
- AND
- 2) Experience resolving* disputes or conflicts where one or more of the participants were American Indian, Alaska Native, or Native Hawaiian, using:
 - a) "Western" alternative dispute resolution methods, e.g., mediation, facilitation, and consensus building, and/or
 - b) Traditional dispute resolution methods (e.g., peacemaking, talking circles, Ho'oponopono, etc.).

* Experience as a representative of, or advocate for, a party or point of view does not satisfy this element.

Individuals with experience in 1) or 2) above *and* extensive work in Indian Country (as described in *Becoming a Network Member* on page 4) can be included in the Network for appropriate training and partnering opportunities as they arise.

The first step in identifying practitioners for inclusion in the Network is an initial recruitment process, which closes **June 18, 2004**. The experience and knowledge necessary to be included in the Network can be found in *Becoming a Network Member*. These elements are being used in the initial recruitment process to determine if a sufficient number of appropriate practitioners can be identified. After this initial recruitment period, the U.S. Institute will evaluate whether the elements should be modified to identify additional practitioners.

3. What is the deadline for submitting my materials, where do I send them, and to whom should I direct my questions about submitting my materials?

All of your materials must be submitted to the U.S. Institute **as soon as possible and no later than June 18, 2004**, in order to be considered in the initial recruitment review process. Direct your questions and submit materials (hardcopy or electronic) to Joan Calcagno at the contact information on page 3.

4. What is the review and selection process for inclusion in the Network?

U.S. Institute staff (Joan Calcagno and/or Sarah Palmer) will review all of the information you provide to determine if the knowledge/experience you describe matches the elements for inclusion outlined in *Becoming a Network Member* on page 4. Staff will also review information to ensure that the requested reference(s) and the verification are included. As warranted, staff may also contact you and your references to verify and/or seek clarification about information submitted.

5. How will the information I provide be used?

All of the information you provide will be used to determine whether your knowledge and experience match the Network elements. As part of the referral process, all of the materials you submit will be provided to those seeking referrals or partners from the Network. Please be sure to include your contact information in the materials you send.

6. Does being included in the Network guarantee that I will receive conflict resolution work?

No. Being included in the Network does not guarantee work. Parties/process participants are free to choose a practitioner from any source to assist them.

7. Can I work as a neutral in environmental disputes involving federal agencies if I am not included in the Network?

An individual who wishes to be considered as a dispute resolution practitioner in environmental, natural resources, or public/trust lands matters is not required to be included in the Network. Tribal and federal government personnel and parties to environmental or natural resources issues who are seeking the services of practitioners need not limit their search to members of the Network.

8. What are the responsibilities of Network members and conditions for inclusion?

Members of the Network using traditional dispute resolution methods are expected to be familiar with such methods and use them appropriately. Members using dispute resolution such as facilitation, mediation, and consensus building are expected to be familiar with and follow the *Model Standards of Conduct for Mediators* approved by the American Arbitration Association, the American Bar Association, and the Society for Professionals in Dispute Resolution (now the Association for Conflict Resolution). In addition, dispute resolution practitioners are expected to be familiar with and utilize the *Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement-Seeking Processes*. These documents can be found at:

<http://work.acresolution.org/research.nsf/articles/570815BC198044C485256D87005F94FA>

<http://work.acresolution.org/research.nsf/key/EPPbestpractices>

9. Will the performance of a Network practitioner be evaluated?

The U.S. Institute has a system to evaluate assessment and environmental conflict resolution processes in which the U.S. Institute staff are directly involved. The performance of practitioners is not directly evaluated as part of this evaluation system, and the performance of Network practitioners will also not be evaluated. The U.S. Institute also evaluates the Roster of ECR Practitioners program. See http://www.ecr.gov/multiagency/program_eval.htm for information about this evaluation system. The U.S. Institute is currently exploring whether the evaluation system for the Roster of ECR Practitioners can be modified to gather feedback about the Network.

10. I am currently a member of the Roster of ECR Practitioners operated by the U.S. Institute. May I also be included in the Network?

Yes. Any member of the Roster of ECR Practitioners whose experience matches the Network elements may be included in the Network and must submit the information outlined in *Becoming a Network Member* on page 4. You may indicate your roster member status in the general description of experience in Element 2.

11. Do I need to be a member of the Roster of ECR Practitioners in order to be included in the Network?

No. Anyone whose experience meets the elements for inclusion in the Network need only submit the information outlined in *Becoming a Network Member* on page 4. Network members who would like to become members of the Roster of ECR Practitioners must meet the qualifications for the roster and complete the online roster application. See <http://www.ecr.gov/roster.htm>.

12. I am looking for someone to partner with on an issue involving a tribe. Can the Network be used to identify partners or team members?

We strongly encourage teaming and partnerships between Network members, members of the Roster of ECR Practitioners, and other practitioners. If you are seeking a partner for a specific case or issue, please contact Joan Calcagno at nativenetwork@ecr.gov or 520.670.5299, ext. 19, for a referral.

USEFUL TERMS

Alternative dispute resolution

A class of dispute resolution mechanisms outside of traditional adjudicative processes. Primary processes include assisted negotiation, mediation, and consensus building. An impartial third party may be called upon to assist the parties in developing and implementing an appropriate process for the specific circumstances and skill sets of the parties.

Collaboration

(literally: “to labor together”)

A process in which two or more entities work together to achieve their independent and collective interests through a joint problem-solving process. Critical elements of collaboration include: all affected interests and points of view are represented; open and frequent communication is maintained; shared vision and clear obtainable goals and objectives are articulated; mutual respect, understanding, and trust are fostered; essential decision makers are engaged; there are clear roles, responsibilities, and authorities for each participant; participants share a stake in the process and the outcome.

Consensus building

A number of collaborative decision-making techniques, in which a facilitator or mediator is used to assist diverse or competing interest groups to reach agreement on policy matters, environmental conflicts, or other issues in controversy affecting a large number of people. Consensus building processes are typically used to foster dialogue, clarify areas of agreement and disagreement, improve the information on which a decision may be based, and resolve controversial issues in ways that all interests find acceptable. Consensus building typically involves structured (yet relatively informal), face-to-face interaction among representatives of stakeholder groups with a goal of gaining early participation from affected interests with differing viewpoints, producing sound policies with a wide range of support, and reducing the likelihood of subsequent disagreements or legal challenges.

Environmental conflict resolution (ECR)

Any alternative dispute resolution method or process of resolving environmental, natural resources, public/trust lands disputes that allows interested and affected parties (governmental and nongovernmental) to work together to craft broadly supported solutions to shared problems. Many ECR processes are voluntary and involve some form of consensus building, collaborative problem solving, or negotiation.

Facilitation

A collaborative process in which a neutral seeks to assist a group of individuals or other parties to constructively discuss a number of complex and potentially controversial issues. The facilitator typically works with participants before and during these discussions to ensure that appropriate persons are at the table, to help the parties set and enforce ground rules and agendas, to assist parties to communicate effectively, and to help the participants keep on track in working toward their goals. The neutral in a facilitation process (the “facilitator”) usually plays a less active role than a mediator and, unlike a mediator, often does not see “resolution” as a goal of his or her work.

Ho’oponopono

Ho’o = causative verb: “to make something happen”

Pono = “right”

Ponopono = reduplication: “completely right”

Ho’oponopono is an ancient Native Hawaiian conflict resolution practice used today principally for resolution of family problems and, in some cases, illnesses. However, key Ho’oponopono elements can be successfully used for community and environmental disputes as well. Ho’oponopono is setting matters right, correcting and restoring relationships. This is accomplished through prayer, discussion, confession, apology, forgiveness, and perhaps most importantly, release.

Ho’oponopono requires:

- A spiritual commitment and foundation by all parties.
- A commitment by all parties to the Ho’oponopono process. Moreover, it requires commitment to the result before the result is attained or conceived.
- Total confidentiality. No consent can be given to waive that confidentiality.
- Self-scrutiny. Ho’oponopono begins and ends with introspection, examination of self. It is not a presentation of facts or “evidence.” It is not inspection of others, nor finger-pointing.
- Absolute truth. Ho’oponopono requires, “the truth, the whole truth, and nothing but the truth,” given freely and sincerely.
- Aloha/respect for each other. Ho’oponopono begins with some measure of mutual aloha and respect. By its ending, these attributes will have grown immeasurably.
- Respect for the Haku (leader/facilitator/coach/arbitrator). Ho’oponopono requires the Haku to conduct thorough and often multiple interviews with all of the parties before Ho’oponopono begins. This “due diligence” by the Haku guides the questions used by the Haku to ferret out the truth from each individual who may not speak to each other but must ONLY speak to the Haku, unless otherwise given permission by the Haku.
- Acceptance of the result from the start. The results are binding. There is no appeal.
- Ho’oponopono requires all the parties to speak for themselves. No representatives, including attorneys, are permitted.

Mediation

Facilitated negotiation in which a skilled, impartial third party seeks to enhance negotiations between parties, or their representatives, to a conflict by improving communication, identifying interests, and exploring possibilities for a mutually agreeable resolution. The disputants remain responsible for negotiating a settlement, and the mediator lacks power to impose any solution; the mediator's role is to assist the process in ways acceptable to the parties. Typically this involves supervising the bargaining, helping the disputants find areas of common ground and understand their alternatives, helping to explore possible solutions, and helping parties draft a final settlement agreement.

Peacemaking

A negotiation process wherein a person not directly involved in the conflict attempts to resolve a conflict between people, groups or nations, and encourages relational and structural justice in order to foster social and personal well-being. Peacemaking may be conducted by representatives of parties or through the assistance of one or more neutral third parties. The goal of peacemaking is not only to help the parties reach an agreement, but also to initiate a process by which psychological or social damages can be repaired. Specific approaches and peacemaking methods vary across cultures and issues. A peacemaker may use elements of mediation and arbitration and rely on personal knowledge or relationships with the parties to help bring about reconciliation depending on the issue and context.

Talking circles

This can vary depending on the setting and nature of the conflict presented. Typically circles create a place where parties can address the issue with truth, mercy, justice, and peace, where difficult and damaging issues created by offending behavior can be lifted, and people enter into dialogue leading toward understanding and building or reparation of relationships. People learn to sit together in ways that honor each other, that are inclusive, respectful of all who are there, that value the wisdom of all, and invite full participation. The talking circle is very powerful for communication and building trust with one another in the group.

The circle allows everyone to say what is on his or her mind in a constructive way and is a useful process for resolving disagreements, miscommunication, misunderstanding, and hurt feelings. The process helps the healing among people so they can get back to carrying out their responsibility. When the leader or elder speaks on a subject, they help the group build self-esteem for others to follow. When used for peacemaking, the peacemaker has to listen carefully in order to be able to understand and accurately describe each speaker's perspectives to help bring about a shared understanding. An example of a talking circle used by one tribe follows:

- Chairs are placed in circle so everyone can see everyone.
- The group leader determines the content and sets the tone of the session for the listeners.
- The circle is opened with a smudge and words of thanks and welcome.
- The leader begins by shaking hands with the person to the left, then the next person—everyone is greeted and ends up in same place as he or she started. Everyone follows suit, like folding and unfolding a chain.
- After the connection is completed, the leader or elder shares honesty and feelings with the group. Everyone will have the opportunity to follow suit.
- The group is given responsibility to listen, without comment or interruption.
- The group shows respect for each person speaking by listening.
- No one replies to what is being said.
- No one gets up and leaves while someone is speaking.
- Everyone in the group is equal.
- A stone, or eagle feather, or sweet grass, or something from Mother Earth is often used to help the person speaking make a connection.
- As we listen to those around us talking in an honest way, we learn trust.
- Sometimes it is difficult to speak the first time in the circle.